

REMARKS

In the Office Action mailed March 5, 2002, Claims 1-8, 10-17 and 26-38 are held subject to a restriction requirement, the Examiner contending that the claims are directed to more than one invention as follows:

- Group I – claims 1 and 2, which the Examiner contends are directed to polypeptides;
- Group II - claims 3-8, 10-13 and 26-32, which the Examiner contends are directed to polynucleotides, vectors, host cells and methods of producing a polypeptide;
- Group III – claim 14, which the Examiner contends is directed to antibodies;
- Group IV - claims 15-17 and 33, which the Examiner contends are directed to transgenic animals;
- Group V - claims 34 and 37, which the Examiner contends are directed to methods of identifying agonists and antagonists of GABA B receptors;
- Group VI – claim 35, which the Examiner contends is directed to a method of identifying binding partners of GABA B receptors;
- Group VII - claims 36 and 37, which the Examiner contends are directed to methods of identifying regulators of gene expression; and
- Group VIII – claim 38, which the Examiner contends is directed to methods of killing pests.

Applicants herein elect the claims of Group VI – Claim 35, with traverse and therefore cancel claims 1-8, 10-17, 26-34 and 36-38. Applicants traverse the Examiner's restriction requirement, pointing to the Examiner's reason therefore given in paragraph 3 (on page 6), wherein he states, "[c]laims 1-8, 10-17 and 26-38 are generic to a plurality of disclosed patentably distinct species comprising a polypeptide of either SEQ ID NO: 2, 4 or 6 or a polynucleotide of either SEQ ID NO: 1, 3, or 5."

Applicants respectfully contend that the instantly claimed polypeptides, having an amino acid sequence of SEQ ID NO: 2, 4 or 6, are able to form heterodimers, therefore, applicants believe those polypeptides are not patentably distinct. As evidence of this, the Examiner's attention is directed to page 3, lines 8-12, of the instant application wherein it states,

"The biological activity of the GABA B receptors is preferably achieved by heterodimerization of the polypeptides according to the invention. For example, the polypeptides according to the invention with an amino acid sequence of SEQ ID NO: 2 and SEQ ID NO: 4, SEQ ID NO: 2 and SEQ ID NO: 6 or SEQ ID NO: 4 and SEQ ID NO: 6 can gain receptor activity by dimerization."

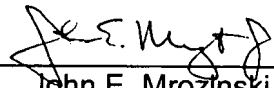
The Examiner has also requested that applicants select one species for examination even if the restriction requirement be traversed. Applicants herein elect the polypeptide with an amino acid sequence of SEQ ID NO: 2. Claims 45-47 are directed to that selection.

CONCLUSION

Applicants have cancelled Claims 1-8, 10-17, 26-34 and 36-38, amended Claim 35 and added Claims 39-47. Applicants contend that such amendment adds no new matter and finds support in the specification. Attached hereto, please find a page captioned "Version with markings to show changes made."

Applicants submit that the instant application is in condition for allowance. Accordingly, early examination and a Notice of Allowance are respectfully requested for Claim 35 and 39-47. If the Examiner is of the opinion that the instant application is in condition for other than allowance, he is requested to contact the applicants' Attorney at the telephone number given below so that additional changes may be discussed.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claims 1-8, 10-17, 26-34 and 36-38 have been cancelled without prejudice.

Claim 35 has been amended as follows:

35. (Amended) A method of [~~finding~~]identifying a chemical which specifically binds to a polypeptide having [~~the~~]at least one biological activity of a GABA B receptor [~~and comprising an amino acid sequence which has at least 70% identity with a sequence of SEQ ID NO: 2, SEQ ID NO: 4 or SEQ ID NO: 6,~~] said method comprising [~~the steps of~~]:

- [(a) ~~contacting~~]exposing a purified and/or isolated polypeptide [~~according to Claim 1~~] comprising an amino acid sequence which has at least 70% identity with a sequence of SEQ ID NO: 2, SEQ ID NO: 4 or SEQ ID NO: 6 or a host cell [~~according to Claim 11 with~~] stably transformed or transfected with a purified, isolated nucleic acid with a sequence having at least 70% identity with a sequence of SEQ ID NO: 1, SEQ ID NO: 3 or SEQ ID NO: 5 to a chemical or to a mixture of chemicals under conditions [~~which~~] permitting [~~the~~] interaction of [~~a~~]said chemical with [~~the~~]said polypeptide, and
- [(b)] determining the chemical [~~which binds~~] specifically binding to [~~the~~]said polypeptide.

Claims 39-47 have been added.